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Summary of Stakeholders' submissions on Vanuatu*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 6 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. Center for Global Nonkilling (CGNK) strongly encouraged Vanuatu to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[4] CGNK also urged Vanuatu to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Prevention and Punishment of the Crime of Genocide.[5]

3. International Campaign to Abolish Nuclear Weapons (ICAN) appreciated that Vanuatu signed the UN Treaty on the Prohibition of Nuclear Weapons on 20 September 2017[6] and recommended that Vanuatu ratify this Treaty as a matter of international urgency.[7]

B. National human rights framework[8]

4. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that there was no provision for corporal punishment in the Penal Code 1981, the Criminal Procedure Code (amended 2003) or the Island Courts Act 1983 (amended 2006), and that the Constitution 1980 (amended 2004) recognized the right to freedom from inhuman

* The present document was not edited before being sent to United Nations translation services.

treatment (art. 5). However, the Larceny Act 1916, which provides for "private whipping", was possibly still in force.[9]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[10]

5. Kaleidoscope Human Rights Foundation (KAHRF) stated that despite general human rights protections under the Constitution of Vanuatu, discrimination based on people's sexual orientation, on gender identity and on sex characteristics were not protected. Hence, KAHRF encouraged Vanuatu to amend article 5 of the Constitution by adding sexual orientation, gender identity and sex characteristics as prohibited grounds for discrimination. It also urged Vanuatu to enact anti-discrimination legislation that prohibits all forms of discrimination on the grounds of sexual orientation, gender identity and sex characteristics in all areas of public life, including employment, education, health care, housing and the provision of goods and services.[11]

6. KAHRF also stated that despite some historical recognition and acceptance of lesbian, gay, bi-sexual, transsexual and inter-sex (LGBTI) persons, Vanuatu faced significant cultural and social hurdles in eradicating discrimination and stigma against them.[12] It urged Vanuatu to include LGBTI people in the National Gender Equality Policy, proactively address discrimination against LGBTI people in all areas of public life and allow for a better understanding of patterns of discrimination against LGBTI people.[13]

7. According to KAHRF, Vanuatu should enact legislation that allows transgender people to change their gender markers on official documents, on the basis of self-determination and without any requirement of "sex reassignment surgery".[14]

Development, the environment, and business and human rights[15]

8. Joint Submission 1 (JS1) recommended that Vanuatu effectively implement the Climate Change and Disaster Risk Reduction Policy 2016 – 2030 to guarantee the protection and enjoyment of their human rights in times of climate change related disasters.[16] It also noted that the Committee Disaster and Climate Change Committee (CDCCC) had been set up in every province to help communities affected by disasters.[17] It recommended that Vanuatu provide technical and financial support for the CDCCC to ensure its role in providing services to the community affected by climate change related disasters.[18]

9. JS1 recommended that the Government of Vanuatu ensure the provision of clean drinking water, sanitation for all, and availability of adequate food, especially in times of climate change related disasters. It noted that regarding the right to safe drinking water, water systems were damaged by Cyclone Pam throughout the regions and many drinking water supplies were contaminated. It also added that water shortage was also a problem during droughts, such as the one the archipelago experienced towards the end of 2015, as a result of the El Niño conditions in the Pacific.[19]

10. JS1 also recommended that Vanuatu provide sufficient care and health centre infrastructures in each province to shelter the population during the times of climate change related disasters. It stated that after Cyclone Pam, the damages to roads and infrastructure, such as public health centres and schools, affected Vanuatu's population severely. It added that those affected by the cyclone continued to face life-threatening risks from a lack of food and safe water, growing disease outbreaks and a health system struggling to get back to provide services for the population.[20]

11. According to JS1, Vanuatu should take measures for alternative livelihood for the population, especially for those who are prone to climate change related disasters. It emphasized that the traditional cultural activities, such as seasonal cropping, cannot be carried out in the same way as they were in the past. It referred to the fact that the increase

of sea temperature affected people's traditional fishing method and their traditional burial, and destroyed Pandanus trees.[21]

2. Economic, social and cultural rights

Right to education[22]

12. The Vanuatu Mama's English Class (VMEC) noted that low adult literacy was a major problem that negatively impacts on Vanuatu's ability to promote and sustain equitable growth.[23]

3. Rights of specific persons or groups

Women[24]

13. VMEC noted that the National Gender Equality Policy 2015-2019 had yet to be translated into *Bislama*. This Government policy document was not translated into all three official languages. It also noted that other documents regarding national and international human rights policies, treaties, and agreements had not yet been translated.[25]

Children[26]

14. GIEACPC noted that corporal punishment of children was still lawful in Vanuatu, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child. More specifically, it noted that in Vanuatu corporal punishment was prohibited in schools and in penal institutions. Nevertheless, it stated that corporal punishment was still lawful in the home, and in alternative and day care settings. Therefore, it urged Vanuatu to enact legislation to explicitly prohibit corporal punishment of children in all settings, including in the home and as a sentence for a crime, and repeal all legal defences for its use.[27]

Persons with disabilities[28]

15. JS1 stated that Vanuatu accepted four recommendations related to people with disabilities in the previous cycle of the UPR in 2014 and committed to increasing efforts and pursue activities aimed at ensuring respect for people with disabilities.[29] It noted that Vanuatu set up the Inclusive Education Policy & Strategic Plan 2010-2020 to provide and improve education for school-age children with disabilities in primary schools. However, according to JS1, the greatest challenge is the infrastructure to accommodate those people with disabilities in sectors such as work and leisure time.[30]

16. JS1 appreciated that the Vanuatu Government set up a Disability Desk in 2011 under the Ministry of Justice and Community Service. It emphasized that one of the achievements was the coordination of the National Disability Policy & Plan of Action 2008-2015, but the policy was reviewed to 2018-2025 and had not yet been launched.[31]

17. JS1 also highlighted that many children living with disabilities did not progress academically or dropped out from schools prematurely because teachers in mainstream classes were not well-trained, well-supported or provided with appropriate resources.[32]

18. With respect to inclusive education for children living with disabilities, JS1 noted the lack of the inclusive education system in Vanuatu. According to JS1, having an inclusive education system will help the Government and the Ministry of Education to identify material and human resources, which will in turn help deliver education recognizing the situation and rights of those who are, or have been, excluded from learning and participating. JS1 further noted that there were already two inclusive schools in Vanuatu that help children with disabilities but no special schools.[33] JS1 recommended that the Ministry of Education and the Government continue to find relevant and appropriate ways to come up with more inclusive schools for children with disabilities.[34] JS1 also expressed concerns that some children living with disabilities tried to attend the mainstream schools but the majority could not cope and withdrew.[35]

19. JS1 noted that the Vanuatu Society for Disabled People initiated a programme called "Early Intervention Program", whose objective was to provide effective early intervention services to support and prepare children living with disabilities to access education.[16]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

CGNK	Center for Global Nonkilling, Honululu, (Hawaii, United States of America);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
KAHRF	Kaleidoscope Human Rights Foundation, Clayton (Australia);
VMEC	Vanuatu Mamas' English Class, Efate Island (Vanuatu).

Joint submissions:

JS1	**Joint submission 1 submitted by:** Marist International Solidarity Foundation (FMSI), Geneva (Switzerland); Franciscans International (FI), Geneva (Switzerland).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations, see A/HRC/26/9, paras. 99.1-99.14, 99.29-99.31, 99.70 – 99.71, and 99.106.

[4] CGNK, page 5.

[5] CGNK, page 5.

[6] ICAN, page 1.

[7] ICAN, page 1.

[8] For relevant recommendations, see A/HRC/26/9, paras. 99.15 - 99.28, 99.32, 99.109.

[9] GIEACPC, para. 2.9.

[10] For relevant recommendations, see A/HRC/26/9, paras. 99.35 – 99.36, 99.38 – 99.44.

[11] KAHRF, para. 1.2.

[12] KAHRF, para. 3.1.

[13] KAHRF, para. 3.4.
[14] KAHRF, para. 3.6.
[15] For relevant recommendations, see A/HRC/26/9, paras. 99.105, and 99.107 – 99.108.
[16] JS1, para. 17.
[17] JS1, para. 18.
[18] JS1, para. 34.
[19] JS1, para. 29.
[20] JS1, para. 32.
[21] JS1, para. 30.
[22] For relevant recommendations, see A/HRC/26/9, paras. 99.85 – 99.96.
[23] VMEC, para. 1.
[24] For relevant recommendations, see A/HRC/26/9, paras. 99.33 – 99.34, 99.45 – 99.53, and 99.97 – 99.98.
[25] VMEC, para. 18.
[26] For relevant recommendations, see A/HRC/26/9, paras. 99.54 – 99.55, 99.68, 99.69, and 99.72 – 99.73.
[27] GIEACPC, paras. 1.2 and 1.3.
[28] For relevant recommendations, see A/HRC/26/9, paras. 99.67, 99.99, and 99.100 – 99.104.
[29] JS1, para. 3.
[30] JS1, para. 5.
[31] JS1, para. 4.
[32] JS1, para. 8.
[33] JS1, para. 11.
[34] JS1, para. 6.
[35] JS1, para. 6.
[36] JS1, para. 8.